

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MESUT GUNGOR AND YOUSSEF
CHEHAB,

Plaintiff,

-against-

MK RESTAURANTS LLC, MELBEN, INC.,
SAID SALIM YAKOUB and
MOHAMMED EL MEKKI KARRAKCHOU.

Defendants.

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MEMO ENDORSED

19-CV-2364

DEFAULT JUDGMENT

USDC SDNY
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DOC # _____
DATE FILED: January 9, 2020

JUDGMENT

This action was commenced on March 15th, 2019 (Doc. No. 1). Defendants MK Restaurants LLC, SAID SALIM YAKOUB and MOHAMMED EL MEKKI KARRAKCHOU were served with process on March 27th, 2019, March 25th, 2019 and March 25th, 2019, respectively (Docs. No. 9, 10, 11 and 12).

To date, MK Restaurants LLC, SAID SALIM YAKOUB and MOHAMMED EL MEKKI KARRAKCHOU have not answered the Complaint or otherwise appeared or moved, and the Clerk of this Court has certified the default of Defendant MK Restaurants LLC, SAID SALIM YAKOUB and MOHAMMED EL MEKKI KARRAKCHOU on July 19, 2019 (Docs. No. 21, 22 and 23). The time for answering the Complaint having expired, it is

NOW, on motion of Plaintiffs, by their attorneys Colin Mulholland, Esq., it is hereby ORDERED, ADJUDGED AND DECREED:

That the Plaintiff MESUT GUNGOR has judgment joint and severally against the Defendants MK Restaurants LLC, SAID SALIM YAKOUB and MOHAMMED EL MEKKI

KARRAKCHOU, in the amount of \$31,890.22, including (A) compensatory damages for unpaid minimum wages and overtime compensation in the amount of \$6,486.00, (B) liquidated damages for unpaid minimum wages and overtime compensation under the FLSA/NYLL in the amount of \$6,486.00, (C) unpaid spread of hours pay in the amount of \$1,617.00 (D) liquidated damages for unpaid spread of hours pay in the amount of \$1,617.00 (E) statutory damages for violation of New York Labor Law § 195 in the amount of \$10,000, and (G) pre-judgment interest on unpaid minimum wages and overtime calculated at the rate of 9% per annum until to the date of judgment, and totaling \$699.33 as of October 31, 2019; (H) pre-judgment interest on spread of hours damages to be calculated at the rate of 9% per annum to the date of judgment and totaling \$183.87 as of October 31, 2019; and (I) missing and unpaid payment of wages from bounced checks \$4,801.00.

That the Plaintiff YOUSSEF CHEHAB has judgment joint and severally against the Defendants MK Restaurants LLC, SAID SALIM YAKOUB and MOHAMMED EL MEKKI KARRAKCHOU, in the amount of \$17,806.03, including (A) compensatory damages for unpaid minimum wages and overtime compensation in the amount of \$4,644.78, (B) liquidated damages for unpaid minimum wages and overtime compensation under the FLSA/NYLL in the amount of \$4,644.78, (C) unpaid spread of hours pay in the amount of \$328.00 (D) liquidated damages for unpaid spread of hours pay in the amount of \$328.00 (E) statutory damages for violation of New York Labor Law § 195 in the amount of \$7,500, and (G) pre-judgment interest on unpaid minimum wages and overtime calculated at the rate of 9% per annum until to the date of judgment, and totaling \$335.21 as of October 31, 2019; and (H) pre-judgment interest on spread of hours damages to be calculated at the rate of 9% per annum to the date of judgment and totaling \$25.26 as of October 31, 2019.

That the Plaintiff is awarded attorney's fees in the amount of \$2,700.00, and costs in the amount of \$575.00,

That the Plaintiffs are awarded post judgment interest, as calculated under 28 U.S.C. § 1961.

That if any amounts remain unpaid upon the expiration of ninety days following issuance of judgment, or ninety days after expiration of the time to appeal and no appeal is then pending, whichever is later, the total amount of judgment shall automatically increase by fifteen percent, as required by NYLL § 198(4).

It is SO ORDERED.

Dated: New York, New York
January 9, 2020



THE HONORABLE EDGARDO RAMOS
UNITED STATES DISTRICT JUDGE